REMARKS

This response is being filed pursuant to the Non-Final Office Action mailed January 27, 2005. Applicants respectfully request reconsideration and allowance of the pending claims in the present application in view of the foregoing amendments and remarks below.

1.   Status of the Claims

Claims 2-13 and 16-34 are presently pending in this application. None of the claims have been amended in this response. A clean copy of the presently pending claims is included for convenience and for reference for a subsequent Examiner Interview that the Applicants wish to assert as of right.

2.   Prior Art Rejections

Claims 3-4, 8-24 and 26-34 were rejected under 35 U.S.C. §103(a) as being obvious over *Johnson* (U.S. Patent No. 6,301,582) in view of *Peters et al.* (US Patent 6,785,768). Applicant respectfully traverses the rejection. Favorable reconsideration is respectfully requested

The Office Action asserts that *Johnson* et al. discloses all of the elements of claim 3 except for direct connection of a lookaside buffer to permanent memory. Furthermore, The Office Action asserts that it would have been obvious to modify the system of *Johnson* et al. to directly connect data storage into the lookaside buffer in order to facilitate faster access. In response, the Applicant respectfully disagrees that *Johnson* discloses all of the elements of claim 3 and that it would have been obvious to modify *Johnson* to achieve all of the claimed features.

In particular, claim 3 (and similarly claims 10 and 12) features "a permanent memory connected to the buffer, the permanent memory having at least two storage areas, into which the persistent data alternately written, each storage area storing the configuration data that is complete for configuration." In contrast, *Johnson* discloses storage of persistent data in the data storage 206, as illustrated in Fig. 2 (see ref. 190) with two units labeled "backing store." As argued previously, *Johnson* et al., teaches that a "virtual storage manager allocates and deallocates portion of the SAS 204 to portion of the data storage 206 as needed." (See column 10, lines 35-37). This teaching, however, is not tantamount to a teaching that persistent data is alternately written to the two "backing stores" in data storage 206.

The Office Action further posits that *Johnson* discloses (col. 7, lines 27-34) that each storage unit is structured to store a complete permanent configuration function by simply

copying the persistent object from the backing store when needed (Office Action page 3, last line – page 4, line 2). However, a closer inspection of this passage in *Johnson* indicates that "persistent objects" are copied to and from the backing store, and <u>no</u> mention is made of "configuration data that is complete for configuration [of a terminal]". Applicants submit that a configuration function is not, in fact, recited in this passage, and that the configuration recited in the present claims is wholly absent from the teaching of *Johnson*.

The disclosure in *Johnson* is directed to maintaining persistence in object-oriented programming, which is defined by *Johnson* as preserving the data after the objects are destroyed (col. 1, lines 55-67). In contrast, the present claims are directed in part to <u>complete configuration</u> <u>of a terminal</u>. The specification in the present application provides further support in this regard, where the word complete is defined in the specification as "all data necessary for the configuration" of a terminal (page 7, lines 1-2). With regard to the term "configuration data," the specification describes this under an exemplary embodiment as "functional and permanent data... which are called management information base (MIB)." The specification provides further examples of the configuration data on page 6, lines 14-15, as that which "determines, for example, which channels are dropped." The claims, when read in light of the specification, clearly demonstrate that the recited features are patentably distinct from the cited references. For at least these reasons, Applicants submit that the rejection is improper and should be withdrawn.

Furthermore, *Peters* fails to solve the deficiencies of *Johnson*, discussed above. First and foremost, the entire disclosure in *Peters* is directed to a video-on-demand system, where the "convoy effect" for multiple high-bandwidth streams of data is addressed by making copies of a video segment and making the copies available through a balanced-load system comprising multiple storage units (col. 2, lines 6-15, 47-61; col. 3, lines 15-32). The system configuration disclosed in *Peters* bears no resemblance to that in *Johnson*, where *Peters* balances video streaming across independent storage units with independent controllers (col. 7, lines 35-64), while *Johnson* relies on a shared persistent data along a common platform (col. 10, lines 24-42). Furthermore, the Examiner incorrectly interpreted the teaching in *Peters* as randomly distributing data among the plurality of storage units in relation to the teaching of *Johnson* (Office Action page 5, last 3 lines of first paragraph). *Peters* expressly discloses that the *storage* of redundancy data is random (col. 3, lines 42-62; col. 7, lines 7-19); however, the *distribution* of data in *Peters* is specifically designed to be such that data is sent in accordance with the load demands and scheduling of each individual storage unit (col. 4, lines 23-27; col. 7, lines 27-33). *Johnson*, on

the other hand, stores pre-defined objects within a shared address space (SAS) using persistent containers (col. 12, lines 52-65), and retrieves them using Factory class designations strings and arrays (col. 13, lines 8-24). Accordingly, there is no teaching, suggestion or motivation for one of ordinary skill in the art to combine the references in the manner suggested in the Office Action.

Furthermore, *Johnson* does not disclose the features where "the configuration data that is complete for configuration is alternately written into the storage units by writing the complete configuration data into one of the storage units completely and thereafter a later version of the configuration data is stored in the other storage unit completely such that if the later version is lost during loading, the persistent data that is complete for configuration stored in at least one of the storage units continues to exist and is recoverable" as recited in claim 3, and similarly recited in claims 10 and 12. In fact, *Johnson* is completely silent on these features.

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CONCLUSION

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In light of the above, Applicants respectfully submit that claims 2-13 and 16-34 are in condition for allowance and respectfully request an early Notice of Allowance. If any additional fees are due in connection with this Application as a whole, the office is hereby authorized to deduct said fees from deposit account number 02-1818. If such a deduction is made, please indicate the Attorney Docket No. (0112740-638) on the account statement.

Respectfully submitted,

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